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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/479,304	01/06/2000	GEOFFREY B. RHOADS	60085	2884

23735 7590 01/22/2007
DIGIMARC CORPORATION
9405 SW GEMINI DRIVE
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EXAMINER

PICH, PONNOREAY

ART UNIT PAPER NUMBER

2135

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/479,304 1/6/2000 Rhoads, Geoffrey

60085

EXAMINER

P. Pich

ART UNIT

PAPER

2135

20070115

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Please see attached Office communication concerning this application.

DETAILED ACTION

This Office Action is in response to applicant's remarks and amendments filed on 11/8/2006. Claims 11-15 were previously cancelled. Claims 1-10 and 16-25 are further cancelled by the amendments filed on 11/8/2006. Claims 26-51 are newly added.

Response to Amendment

The amendment filed on 11/8/2006 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because they are directed towards one or more invention that is independent or distinct from the invention originally claimed for the following reasons:

Newly added claims 26-51 contain ample limitations not previously included within the claims originally presented and elected by applicant. The original claims were drawn to a cell phone using steganography in a specific manner. In the invention, analog (voice) data was received by the cell phone and encoded by the cell phone. These claims were classified in 380/247. In the newly added claims (claims 26-51), a cell phone receives digital data transmitted from a remote transmitter. The digital data is then encoded and the cell phone, acting as an intermediary router, transmits the encoded data that was received to a remote location. Claims 26-51 are classified in 380/255.

The originally elected set of claims and the newly added set of claims are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious

variants, and if it is shown that at least one subcombination is separately usable. In the instant case, the subcombination consisting of the new claims has separate utility such as a system which uses a cell phone as a portable gateway to encodes digital data. See MPEP 806.05(d).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, newly added claims 26-51 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b), 1.145, and MPEP 821.03.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ponnoreay Pich whose telephone number is 571-272-7962. The examiner can normally be reached on 9:00am-4:30pm Mon-Fri.

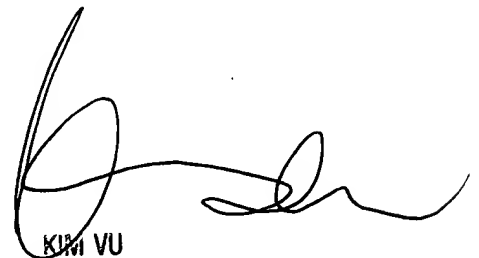
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2135

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ponnoreay Pich
Examiner
Art Unit 2135

PP



KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100